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San Diego, California 92121-1126
Phone: (858) 320-3406
Fax: (858) 784-3044

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Date: October 24, 2006

To: Commissioner for Patents
Attention: Examiner Dang, Art Unit 1647
Of: United States Patent and Trademark Office
Fax No.: 571-273-8300

From: Linda S. Evans

Total Pages (including this page): 3

Re: U.S. Patent Application No. 10/786,478, filed February 25, 2004

Applicant: Chen et al.
Attorney Docket No: PRD2045NP-US

Certificate of transmission:

The undersigned certifies that the accompanying Supplemental Response To Restriction Requirement is being transmitted to the above-referenced fax number on the above-identified date.



Linda S. Evans (Reg. No. 33,873)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Chen et al.	Atty Docket No.:	PRD2045NP-US
Serial No.:	10/786,478	Art Unit:	1647
Filed:	February 25, 2004	Examiner:	Ian D. Dang
For:	Relaxin3-GPCR135 Complexes And Their Production And Use	Confirmation No.:	1497

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is a reply to the official communication mailed September 28, 2006. In the event any fees are required for the filing of this paper, including in connection with any necessary extension of time (for which Applicant hereby petitions), please charge such fees to Deposit Account No. 10-0750.

In the prior response dated August 14, 2006, Applicant overlooked addressing the election-of-species requirement included in the reasons provided in support of the restriction requirement set forth in the Office Action dated July 12, 2006. In particular, the election-of-species requirement calls for Applicant to elect a specific GPCR135 amino acid sequence for examination in connection with the elected invention.

Applicant hereby elects the species of the invention of elected Group I, claims 1-10, wherein the GPCR135 has the amino acid sequence of SEQ ID NO: 12. Claims 1-10 read on the elected species.

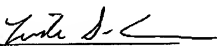
This election is with traverse for the following reasons. The requirement is improper because a reasonable number of additional species (e.g., wherein the GPCR135 has the amino acid sequence of SEQ ID NO: 13 or SEQ ID NO: 15) can be

examined without imposing a serious burden. See 35 U.S.C. § 121 and M.P.E.P. § 803. See also, M.P.E.P. § 803.02 (if the members of a Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, all members must be examined on the merits) and § 803.04 (normally ten sequences constitute a reasonable number of nucleotide sequences for examination purposes). Furthermore, it is improper for the USPTO to refuse to examine that which Applicant regards as their invention, unless the subject matter in a claim lacks unity of invention. See M.P.E.P. § 803.02, citing in re Hamisch, 631 F.2d 716, 206 U.S.P.Q. 300 (CCPA 1980).

In view of the foregoing, Applicant respectfully requests prompt examination on the merits of not only the elected species within the scope of claims 1-10 of Group I, but also an extended scope of the elected claims embracing a reasonable number of additional species.

Respectfully submitted,

Date: October 24, 2006


Linda S. Evans
Reg. No. 33,873

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, New Jersey 08933-7003
(858) 320-3406

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